



The State Bar *of California*

Office of Admissions Committee of Bar Examiners Planning Session

January 2022

Committee of Bar Examiners Planning Items

- Examinations
- Operations & Management
- Moral Character Determinations
- Educational Standards, including CSBARS and LSC





The State Bar *of California*

Examinations

Goals, Objectives, and Work Plan for 2022

Lisa Cummins, Examination Development
Christina Doell, Examination Grading

January 2022

Examinations Functions

- By delegated authority, CBE oversees format, scope, topics, content, and grading process (Board approves) of the bar exam
- For FYLSX, CBE has same delegated authority (still requires Board approval) but also determines passing score
- Considers petitions seeking waivers of the CBE's exam related policies, procedures, and rules
- Has primary responsibility for reviewing psychometric & bar exam reports
- Considers appeals of staff decisions filed by applicants with disabilities requesting testing accommodations for taking examinations



Changes Implemented in 2021 Exam Development

- Identification of ways in which diversity and inclusion principles can be institutionalized in Bar Exam development
- Development and delivery of enhanced training during annual orientation/onboarding of new and existing Examination Development and Grading (EDG) Team Members & graders
- Initial development of new Subject Matter Matrices for each of the 13 CBX subjects
- Development of pandemic-related processes and protocols for EDG Team and Performance Test (PT) Drafting Team meetings and PT pretests, which ensure and maintain the necessary confidentiality and security



Changes Implemented in 2021 Exam Grading

- More efficient monitoring and tracking of grader performance through the exam cycle
- Increased grader diversity by accepting graders throughout the state
- Developed grader selection rubric to eliminate potential bias in grader recruitment
- Decreased wait time for results & dissemination of essay answer files



Changes Anticipated in 2022 Examination Development

- Development of enhanced Senior Grader Program; Strengthen Apprentice EDG Team Member training and skill development for assisting with examination development tasks
- Implementation of annual specialized training for all Bar Exam developers in subjects that are relevant to recognizing and addressing potential bias
- Implementation of Guiding Principles in Examination Development to Minimize Potential Bias in Bar Exam Questions
- Improvement of the State Bar's secure collaboration website to enhance electronic receipt/review of questions by the EDG Team and PT Drafting Team and to enable more efficient monitoring and tracking of question edits and drafts
- Finalization and publication of new CBX Subject Matter Matrices



Changes Anticipated in 2022 Testing Accommodations

- Identification of efficiencies in case processing
- Improvement of applicant communications, including timeliness, messaging, accuracy, and consistency
- Streamlining of application process
- Review and revision Admissions Rules relevant to Testing Accommodation
 - Circulate for Public Comment
 - Review and approval by the CBE and BOT
 - Additional training with staff and consultants



Training Topics for 2022

Testing Accommodations (TA)

- Presentation on Substantive Issues on Evaluating TA Petitions
- Training on Testing Accommodation Process

Examination Development

- Presentation from Examination Development and Grading (EDG) Team Member on the Basics of Question Editing

Other Suggestions?



Current Goals

Examination Development

- Monitor work of California's Blue Ribbon Commission on the Future of the CBX and the NCBE's Implementation Timeline for the Next Generation of the Bar Exam

Examination Grading

- Evaluate Grading guidelines to address procedure for reconsideration requests, for test center incidents and examination results

Examination Development and Exam Grading

- Continue to work with the State Bar's Office of Access & Inclusion and COAF to develop processes and procedures in Examination Development and Examination Grading that advance the Mission of the State Bar to support efforts for greater access to, and inclusion in, the legal system.



Recommendation for Work Plan

STRATEGIC PLAN GOAL & OBJECTIVE	WORK PLAN	DEADLINE	TO BOARD COMMITTEE (Y/N) / DATE
Goal 4, Objective i: Identify ways that diversity and inclusion principles can be institutionalized in Bar exam development and grading analyses with final proposals, including any formal guidelines or rule proposals.	<ul style="list-style-type: none"> Approval and implementation of Guiding Principles in Exam Development to Minimize Bias in Bar Exam Questions 	May 2022	CBE – January 2022 BOT – March 2022
Goal 3, Objective a: Improve productivity through performance accountability, training, and professional development.	<ul style="list-style-type: none"> As part of Review of Admissions Rules relevant to Testing Accommodation, Revise Forms and Material Aimed at Gaining Efficiencies that will Improve Productivity ADA Expert to train staff and Committee on Improving Method for Reviewing Accommodation Requests 	Ongoing	





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Operations and Management

Goals, Objectives and Work Plan for 2022

Tammy Campbell, Program Manager

January 2022

Subcommittee on Operations and Management

- Reviews and Revises Rules and/or Policies for examinations, refunds and violations of examination rules (Chapter 6 violations), as needed and directed by the Committee
- Conducts Administrative Appeals of Examination Petitions, Upon Request, for Applicants Who Receive a Denial From Staff.



Changes Implemented in 2021

- Procedural/Policy
 - Expansion of the Provisional Licensing Program to include individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020; program sunsets through June 1, 2022
- AIMS
 - Continued system improvements
- Exam Administration
 - Due to COVID-19, continued to administer the First-Year Law Students' Examination and the California Bar Examination remotely.



Changes Anticipated in 2022

- Identify efficiencies in case processing
- Strive for improved applicant communication, including timeliness, messaging, accuracy, and consistency
- Streamline application process
 - Review and approval by the CBE and BOT
- Review and Revise Admissions Rules relevant to Eligibility, Special Admissions & Exam Administration
 - Circulate for Public Comment
 - Review and approval by the CBE and BOT



Further Changes Anticipated in 2022

- For the Feb 2022 CBX, PSI Online will support the State Bar's Proctor Recruitment, supplying 500 proctors
- Beginning July 2022, PSI Online will take over site acquisition and proctor management of the CBX
- Provisional Licensure Program Scheduled to Sunset June 2022
- Study and Consideration of Amendments to CA Rule of 9.42 Authorizing Law Office Students to Participate in the Practical Training of Law Students Program



Current Goals 2021 to 2022

- Consider appeals seeking waivers of the Committee's Exam Related policies, procedures and rules - **Each meeting**
- Review reports on administration of the California Bar Examination – **April 2022/October 2022**
- Consider proposed guidelines for interpretation of the *Admissions Rules*, such as in the area of eligibility and administration of examinations - **June 2022**
- Review reports on administration of the First-Year Law Students' Examination - **December 2021/August 2022**
- Complete the production of Admissions training videos on the following topics: “preparing to take the Bar Exam” for applicants and proctor training - **August 2022**
- Review of examination fees; specifically, the cost differential for attorney applicants - **August 2022**



Recommendation for Work Plan

STRATEGIC PLAN GOAL & OBJECTIVE	WORK PLAN	DEADLINE	TO BOARD COMMITTEE (Y/N) / DATE
Goal 2, Objective I: For greater transparency, accountability, efficiency, and access, develop and deploy a new case management system for the Office of Admissions	<ul style="list-style-type: none">• For continued improvements, review and recommend revisions to the applicant facing side of the Admissions Information Management System (AIMS).• Review Admissions Rules relevant to Eligibility, Special Admissions & Exam Administration to make recommendations that facilitate greater transparency, accountability, efficiency and access.	Ongoing	
Goal 3, Objective a: Improve productivity through performance accountability, training, and professional development.	<ul style="list-style-type: none">• Improved performance accountability as AIMS allows the creation of useful reports, including dashboards.• Provide professional development opportunities and training for staff.	Ongoing	





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Moral Character Determinations

Goals, Objectives, and Work Plan for 2022

Tara Clark, Program Manager

January 2022

Subcommittee on Moral Character Determinations

- Oversee and administer policies related to moral character determinations
- Conduct administrative reviews, upon request, for applicants who receive an adverse moral character determination from staff



Changes Implemented in 2021

- Outreach
 - Joint presentations to law schools with the Office of Chief Trial Counsel (OCTC)
 - Participation in State Bar Day with OCTC, the Lawyer Assistance Program, and Attorney Regulations and Consumer Resources
- AIMS
 - Continued system improvements
- Admissions Rules
 - Began review of the Rules of the State Bar (Admissions Rules) relevant to Moral Character



Changes Anticipated in 2022

- Identify efficiencies in case processing
- Strive for improved applicant communication, including timeliness, messaging, accuracy, and consistency
- Review Application for Determination of Moral Character
 - Substantive changes to be reviewed and approved by the CBE
 - Review and approval by the Supreme Court
- Revise the Admissions Rules relevant to Moral Character
 - Circulate for Public Comment
 - Review and approval by the CBE and BOT
 - Review and approval by the Supreme Court



Training Topics for 2022

- Present education and training to the CBE on issues pertinent to moral character determinations
 - Addressing bias in moral character determinations
 - Court cases relevant to moral character determinations
 - Introduction to the State Bar's Ethics School and Client Trust Accounting School – reoccurring
 - Other



Current Goals 2021 to 2022

- CBE members to receive a presentation on the dynamics of Post-Traumatic Stress Disorder – **Completed**
- CBE members to receive a presentation on addressing bias in moral character determinations – **March/April 2022**
- CBE members to receive a presentation on court cases relevant to moral character determinations – **March/April 2022**
- CBE members to receive a presentation on Ethics School and Client Trust Accounting School – **June/August 2022**
- Revised Admissions Rules relevant to Moral Character to be reviewed and approved by the CBE – **June/August 2022**
- Receive additional trainings on topics relative to moral character determinations – **Ongoing**
- Conduct requested administrative reviews of adverse moral character determinations and make final determinations with respect to Applications for Determinations of Moral Character – **Ongoing**



Recommendation for Work Plan

STRATEGIC PLAN GOAL & OBJECTIVE	WORK PLAN	DEADLINE	TO BOARD COMMITTEE (Y/N) / DATE
Goal 3, Objective a: Improve productivity through performance accountability, training, and professional development.	<ul style="list-style-type: none">• Improved performance accountability as AIMS allows the creation of useful reports.• Increased training around AIMS and staff led informal conferences.• Utilize AIMS opportunities to provide professional development opportunities for staff.	Ongoing	





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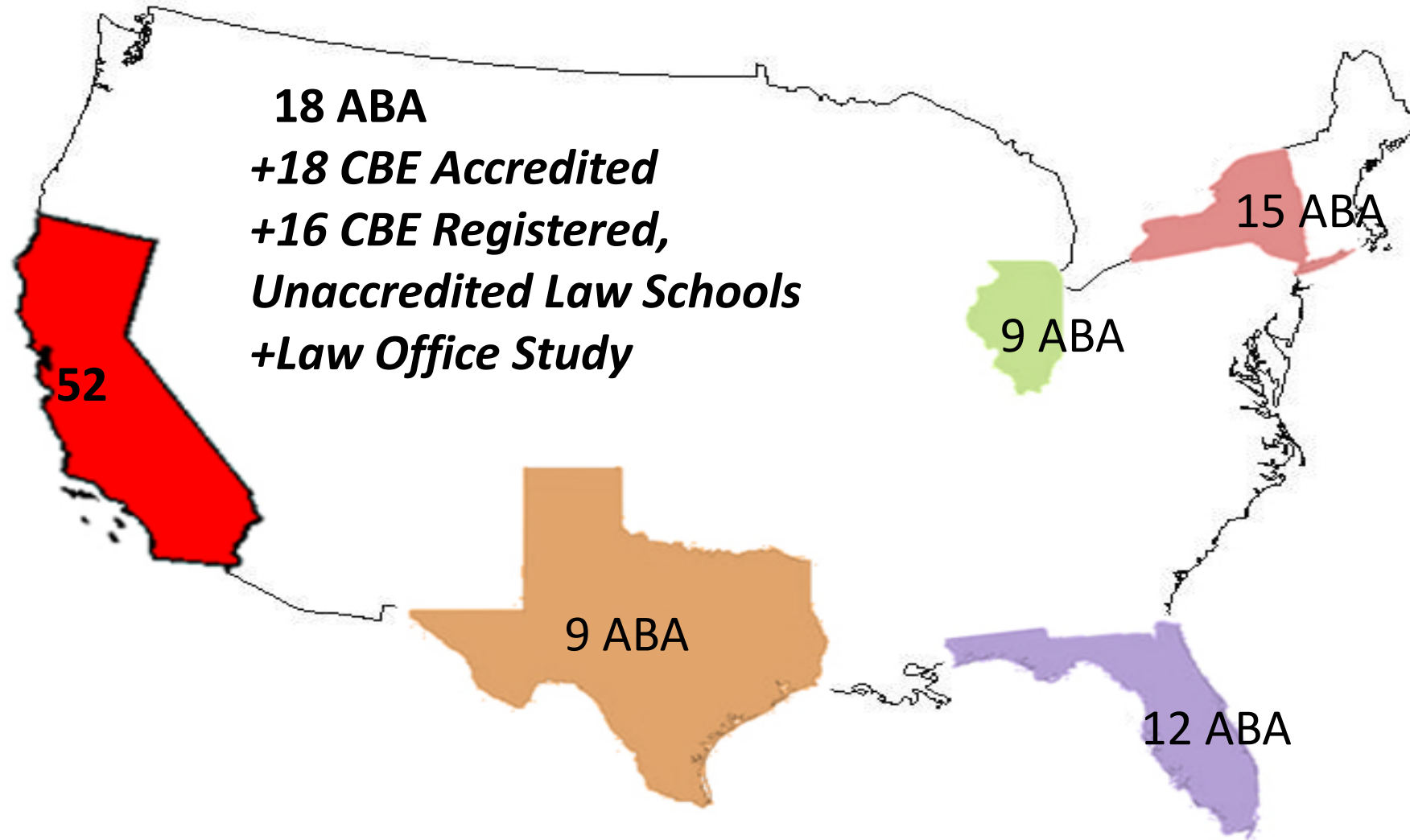
Educational Standards - Including CSBARS and LSC

Goals, Objectives, and Work Plan for 2022

Natalie Leonard, Principal Program Analyst

January 2022

California pathways to licensure



Educational Standards Functions

- Register or accredit qualifying law schools
- Monitor schools for continued compliance
- Evaluate major change requests
- Foster active law school engagement through CSBARS, Law School Council, Law School Assembly, Registrars' Meeting, State Bar day, Deans' e-Newsletter



Law School Regulation

- ABA Approved Schools
 - Regulated by the Council of the Section of Legal Education and Admissions to the Bar at the American Bar Association
- State Bar Accredited Schools regulated by the Committee
 - Registered, Unaccredited Schools
 - Fixed-Facility, Correspondence and Distance
 - Four-year programs only
 - California Accredited Schools
 - Can teach using mixed formats
 - Both full- and part-time programs
- Law Office Study Program administered by State Bar staff



Law School Engagement

- Law School Council
 - Seven ABA Deans or Administrators
- Committee on State Bar Accredited and Registered Schools (CSBARS)
 - 3 CALS Deans
 - 2 Registered, Unaccredited Law School Deans
 - 2 CBE Appointed Members

Collaborate with the Office of Access & Inclusion Focus Groups related to improving law school inclusion and retention



CSBARS Functions

- Provide feedback and recommendations as requested by CBE or the State Bar from the perspective of administrators at unaccredited and California accredited law schools
- Suggest topics appropriate for ad hoc working group creation within the State Bar's regulatory scope
- Recommend members to participate in Working Groups
- Suggest topics for law school engagement



Law School Council Functions

- Provide feedback and recommendations as requested by CBE or State Bar from the perspective of administrators at ABA approved law schools
- Suggest topics appropriate for ad hoc working group creation
- Recommend members to participate in Working Groups
- Suggest topics for law school engagement



Changes Implemented in 2021

- New Rules for Accredited Law School adopted
- Updated Calculation for Minimum, Cumulative Bar Exam Pass Rate adopted to address Provisional Licensure Program
- Pandemic general waiver completed; specific waivers granted
- Demographic data expands collection of gender and self-reported reasons for attrition
- State Bar Day for Law Students
- Added interactive Applicant Portal demonstrations to Registrars' Meeting
- National LGBTQ+ Bar Campus Climate Survey to unaccredited and accredited law schools
- Access & Inclusion focus groups on law school retention – Phase I



Changes Anticipated in 2022

- Implement New Rules for Accredited Law Schools
- Issue new applications and periodic compliance reports for accredited law schools
- Begin review of Rules for Unaccredited Law Schools
- Expand demographic data collection to include veteran status and disability status
- Continue Access & Inclusion focus groups on law school retention – Phase II
- Monitor conditions as law schools transition back to classroom teaching



Training Topics for 2022

- Present seminars/training to the CBE on issues pertinent to educational standards
 - Presentation from Regional or National Accreditor
 - Updates from State Bar Law School / Law Student Engagement Meetings



Educational Standards Goals Adopted October 2021

- Implement new accredited law school rules
- Register, accredit and monitor law schools
- Support the State Bar's strategic initiatives related to law school diversity, retention and performance on the Bar examination
- Implement Phase III of expanded demographic data collection
- Continue law school engagement efforts
- Begin review of unaccredited law school rules
- Pursue mandatory accreditation for unaccredited law schools
- Other Suggestions?



Recommendation for Work Plan

STRATEGIC PLAN GOAL & OBJECTIVE	WORK PLAN	DEADLINE	TO BOARD COMMITTEE (Y/N) / DATE
Goal 2, Objective I: For greater transparency, accountability, efficiency, and access, develop and deploy a new case management system for the Office of Admissions by June 30, 2019	<ul style="list-style-type: none"> Upon implementation of revised accreditation rules, evaluate feasibility of integrating Educational Standards into AIMS 	Ongoing	
Goal 4, Objective b. Study and implement improved programmatic approaches to increasing access to justice.	<ul style="list-style-type: none"> Implement revised rules for accredited law schools Review unaccredited law school rules Collaborate with Access & Inclusion and other partners such as LGBTQ+ bar to diversity pathways to law licensure 	Ongoing	
Goal 4, Objective g. Work with the California Accredited Law Schools and registered schools to develop enhanced demographic reporting requirements by February 28, 2020.	<ul style="list-style-type: none"> Requirements completed in 2020 and phased in over three years Implement Phase III expansion of data collection on veteran status and disability as part of 2022 Periodic Compliance Reports 	Collection by November 2022	
Goal 4, Objective h. Identify means of supporting existing law school programs to improve retention by December 31, 2020.	<ul style="list-style-type: none"> Plan completed Collaborating with Access & Inclusion and ORIA to expand data collection, review, and supplement through focus groups 	December 2020 Ongoing	
Goal 4, Objective j. Assuming positive results from the Productive Mindset Intervention, expand implementation by February 2020 (Date updated).	<ul style="list-style-type: none"> Engage with CSBARS/LSC/Law School Assembly to assist with expanded implementation to encourage participation in this program 	Ongoing	

